

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Paul S. Ryerson, Chairman  
Dr. Paul B. Abramson  
Dr. Gary S. Arnold

In the Matter of  
TENNESSEE VALLEY AUTHORITY  
(Watts Bar Unit 2)

Docket No. 50-391-OL

ASLBP No. 09-893-01-OL-BD01

September 9, 2014

MEMORANDUM AND ORDER

(Denying Motion to File New Contention and Terminating Proceeding)

The background of this proceeding is set forth in earlier orders of the Board.<sup>1</sup> On July 9, 2012, Southern Alliance for Clean Energy (SACE) moved for leave to file a new contention concerning temporary storage and ultimate disposal of nuclear waste.<sup>2</sup> In accordance with the Commission's direction in CLI-12-16,<sup>3</sup> on August 9, 2012 the Board ordered the motion held in abeyance.<sup>4</sup>

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<sup>1</sup> See LBP-09-26, 70 NRC 939, 945-46 (2009); Licensing Board Order (Granting TVA's Unopposed Motion to Dismiss SACE Contention 1) at 1 (June 2, 2010) (unpublished).

<sup>2</sup> Southern Alliance for Clean Energy's Motion for Leave to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Spent Reactor Fuel at Watts Bar Unit 2 (July 9, 2012).

<sup>3</sup> CLI-12-16, 76 NRC 63, 68-69 (2012).

<sup>4</sup> See Licensing Board Order (Holding Waste Confidence Contention in Abeyance) (Aug. 9, 2012) (unpublished).

On August 26, 2014, in view of its adoption of a revised rule codifying the NRC's generic determinations regarding the pertinent environmental impacts associated with continued storage of spent nuclear fuel, the Commission issued a memorandum and order (CLI-14-08) directing this Board (among others) to reject pending contentions on this issue.<sup>5</sup> Accordingly, SACE's motion for leave to file a new contention is denied.

The Board previously granted SACE's unopposed motion to withdraw the only then-remaining admitted contention.<sup>6</sup> Therefore, the adjudicatory proceeding before this Board concerning TVA's application for an operating license for a second nuclear reactor at the Watts Bar Nuclear Plant is terminated. In accordance with 10 C.F.R. § 2.341(b), any petition for review of this Memorandum and Order must be filed within twenty-five (25) days after it is served.

It is so ORDERED.

THE ATOMIC SAFETY  
AND LICENSING BOARD

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Paul S. Ryerson, Chairman  
ADMINISTRATIVE JUDGE

*/RA/*

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Dr. Paul B. Abramson  
ADMINISTRATIVE JUDGE

*/RA/*

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Dr. Gary S. Arnold  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
September 9, 2014

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<sup>5</sup> CLI-14-08, 80 NRC \_\_, \_\_, (slip op. at 10) (Aug. 26, 2014).

<sup>6</sup> See Licensing Board Order (Granting Motion to Withdraw Contention 7) (July 17, 2013).

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER LBP-14-13 (Denying Motion to File New Contention and Terminating Proceeding)** have been served upon the following persons by the Electronic Information Exchange and by e-mail where indicated with an asterisk (\*).

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Docket No. 50-391-OL

**MEMORANDUM AND ORDER LBP-14-13 (Denying Motion to File New Contention and Terminating Proceeding)**

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[Original signed by Brian Newell]  
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Dated at Rockville, Maryland  
this 9<sup>th</sup> day of September 2014